



## **REZONING INFORMATION & APPLICATION FORMS**

This packet contains all the forms and information necessary for an individual to correctly file an application to initiate the rezoning process. Should there be any questions or problems, please contact the Planning and Zoning Department by phone or in person, to discuss the application. Application forms should be picked up at City Hall, and, once completed, should be filed in person at the Planning and Zoning Department, City Hall.

Included in this packet are the following:

<u>Section</u>	<u>Title</u>
1	The Rezoning Process
2	Instructions - Application for Staff Review
3	Application form for Staff Review
3	Development Plan Requirements
5	Fees Schedule
4	Application Form for Public Hearing
7	Proposition 207 Explanation and Waiver Form

### **THE REZONING PROCESS**

The rezoning process basically occurs in six steps:

1. Filing the application for staff review.
2. Staff review and public facilities and services report.
3. Zoning Commission public hearing.
4. Mayor and Council action
5. Final review for compliance with standard requirements.
6. Final Mayor and Council action.

The following sections will discuss in detail each of the steps involved in a rezoning.

### **STEP 1: Application**

Filing the application for staff review initiates the process. The applicant should pick up the application forms and information at the Planning and Zoning Department. A discussion should be held with one of the planners concerning the proposal, as well as the application itself and the rezoning process. The fees submitted with the application cover about half of the cost of the city of reviewing the application. A complete description of the application requirements can be found in Section 2 of this packet.

### **STEP 2: Staff Review.**

Upon submittal of the application, the Planning and Zoning Administrator conducts a review and analysis of the request. Staff considers the effects of the proposal on the immediate area; the community is general and any adopted plans or policies. The Planning and Zoning Administrator also circulates the application to City and non-city agencies so they may comment on the availability of public facilities and services.

The Planning and Zoning Administrator then sends the completed staff report and recommendation to the applicant. The applicant may file for a public hearing before the Zoning Commission by completing the "Application for Public Hearing" form and submitting it along with the necessary public hearing fee.

### **STEP 3: Public Hearing before Zoning Commission.**

Upon receipt of the application, the Planning and Zoning Administrator sets the case for a public hearing and all property owners of record within a 300-foot radius are notified. Legal ads are published in the newspaper at least 15 days prior to the public hearing. Ten (10) days prior to the public hearing the report of the Planning and Zoning Administrator is mailed to the applicant and all interested parties.

The Planning and Zoning Commission then conducts a public hearing at which all interested parties may attend and give testimony and relevant evidence. The Commission has the authority to subpoena witnesses and evidence, conduct or permit cross-examinations, introduce evidence on their own and administer oaths.

Within 5 days of the conclusion of a hearing, the Commission issues written recommendation to the applicant and all interested parties. An appeal for reconsideration may be filed with the Commission within 14 days of the conclusion to the hearing if any party to the hearing feels the Commission's recommendations and findings were based upon errors in fact or procedure. Within 5 days of a rehearing, if held, or at the end of the 14-day period provided for a rehearing, the Commission must file their final recommendations and findings with the City Manager

### **STEP 4: Mayor and Council Action**

The City Manager schedules the rezoning case on the Mayor and Council agenda. The Mayor and Council have several options. The recommendations of the Commission may be accepted or rejected, or the recommendations of the Commission may be accepted or rejected, or the recommendations may be modified. The Mayor and Council may also refer the case back to the Commission for a rehearing. The Mayor and Council may also choose to hold a public hearing of their own.

Where the Mayor and Council favor a rezoning, their action is normally to authorize preparation of a 2-year standard conditional ordinance to rezone the subject property. The subsequent adoption of the ordinance is typically subject to an approved development plan as well as such standard requirements as the dedication of additional right-of-way or covenants that may place certain limitations on the proposed use.

The applicant must meet the standard requirements as set by the Mayor and Council before the 2-year conditional ordinance can be transmitted to the Mayor and Council for final adoption. Rezoning is not complete until these conditions are met.

#### **STEP 5: Final Review for Compliance with Standard Requirements.**

The requirement of an approved development plan necessitates the submittal of 2 copies of a development plan which comply with the specifications of Section 12.328 of the South Tucson Zoning Code, and which incorporates any changes or modifications in the original development plan as submitted with the rezoning application. Two (2) copies are required so all City and non-city agencies which initially reviewed the rezoning request for its potential impact on facilities and services may now review the specific proposal for compliance with applicable City standards, regulations, and policies. Other standard requirements such as dedications and covenants must be approved by the appropriate City Agencies and the Planning and Zoning Administrator should be contacted for assistance in these matters.

When all standard requirements have been met, staff will transmit a 2-year standard conditional ordinance to the Mayor and Council for adoption. Rezoning of the subject property occurs at the time a building permit is obtained for development in conformance with the approved development plan. The 2-year standard conditional ordinance further provides that unless a building permit is obtained within two years of the date on which the Mayor and Council authorized preparation of an ordinance, the case will be closed.

### **REQUEST FOR REZONING - APPLICATION FOR STAFF REVIEW INSTRUCTIONS**

Please read these instructions carefully before filling out the Application for Staff Review. If any problems or questions arise, contact the Planning and Zoning Department at 792-2424.

The application should be filed in person at City Hall, Planning and Zoning Department. The application must be completely and accurately filled out and must be accompanied by the development plan and fees. An application will not be accepted unless it meets these criteria.

#### **I. Applicant Information.**

It is important to provide all the information requested here. The city must know whom to contact concerning the Application for Staff Review.

#### **II. Property Information.**

This information is necessary to properly and accurately identify the property for which the rezoning is being requested. To adequately evaluate the proposed zoning change, the city must also know what the proposed change in the use of the land will be. It is therefore very important to be as

specific as possible in describing the use proposed for the property, especially for commercial and industrial zoning categories. Similar types of businesses, for instance, require different zoning categories, depending upon the types of equipment to be used, the number of business vehicles employed, noise and dust levels, the nature of the work to be performed, and so on. Therefore, please give a detailed description of the proposed business or industrial use - the product or products to be sold, if any, equipment, chemicals, or materials necessary for the business, a brief description of the manufacturing process involved, if any, and all proposed uses of accessory structures, such as storage, residence and so forth. Copies of the deed and any attached covenants or restrictions may be obtained from the County Recorder's Office for a nominal fee.

Before final approval of the development plan, up-to-date preliminary title reports shall be furnished for all parcels involved in the rezoning request.

### III. Planning Information

For all the affected City, other public or private agencies and organizations to effectively evaluate a proposed rezoning request, they must know why this particular rezoning is being sought. How will it benefit the City of South Tucson and its residents? How does it conform to adopted City plans or policies? Does the rezoning request represent a burden on the provision of City services and facilities? In addition to these considerations, the opportunity is presented the applicant to become familiar with adopted City plans, policies, and regulations. Copies of all pertinent documents are available for inspection at the Planning and Zoning Department, City Hall, and many of these documents may be purchased.

### IV. Development Plan.

A development plan is required for every request to rezone any property. In its initial form it should accurately depict the location and dimensions of the property involved. It should show in a general way the way the property will be developed under the requested rezoning. This information should include such things as the number of dwelling units, amount of commercial floors space, points of ingress and egress, proposed landscaping, and any other items pertinent to the evaluation of the proposed use. Five copies of the development plan are required with an application for rezoning.

The development plan to be submitted for final approval following Mayor and Council action must be more specific than the initial submittal. It must meet the specifications of Section 12.328 of the South Tucson Zoning Code and comply with all applicable City regulations, standards, and policies as well as the specific standard requirements set by the Mayor and Council. When a development plan is submitted for final approval, 2 copies are required.

**REQUEST FOR REZONING**

**APPLICATION FOR STAFF REVIEW**

City of South Tucson Planning and Zoning Department

Application filed on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Received by \_\_\_\_\_ Map # \_\_\_\_\_

Case Number \_\_\_\_\_ Name \_\_\_\_\_

Location \_\_\_\_\_

Filing Fee: \$ \_\_\_\_\_

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**DO NOT WRITE ABOVE THIS LINE**

**I. Application Information** Please Type or Print Clearly

A. Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

B. Name(s) of Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

C. Architect or Engineer Handling the Case:

Name and Company: \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

**II. Property Information**

A. Street Address of Property To Be Rezoned:

\_\_\_\_\_

B. Area In Acre or Square Feet: \_\_\_\_\_

C. Legal Description of Property: Lot \_\_\_\_\_ Block \_\_\_\_\_

Subdivision \_\_\_\_\_ (If in Another Form, Please Attach)

D. Zone: Current \_\_\_\_\_ Proposed \_\_\_\_\_

E. Use: Current \_\_\_\_\_

Proposed (Please Be Specific) \_\_\_\_\_

\_\_\_\_\_

F. Are There Deed Restriction or Covenants Pertaining to This Property That Are More Restrictive Than the Zoning Being Applied For? Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, Attach A Copy of The Pertinent Section (s) Of the Covenant or Restriction.

**III. Planning Information**

A. Why Should This Property Be Rezoned? Please Be Specific.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IV. Development Plan**

A. Every application for staff reviews of a rezoning request must be accompanied by 2 copies of an acceptable development plan.

**V. Signatures:** (Attach extra sheets if needed)

A. Applicant: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

B. Owner(s) \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**DEVELOPMENT PLAN REQUIREMENTS FOR FINAL APPROVAL**

(Section 12.328, Article I, South Tucson Zoning Code)

**DEVELOPMENT PLAN.**

When a development plan is required for final approval, it shall be submitted to the City of South Tucson for review and approval by the City for the purpose of furnishing information about the contemplated development to the City of South Tucson and to provide guidance and direction to the prospective developer in order to achieve development of sites in harmony with surrounding areas; protection from flooding; safe and efficient on-site circulation and ingress and egress to the sites; optimum utilization of topographical features; provisions for efficient fire protection and trash collection; proper design and placement of utilities; provisions for adequate open spaces, light and air; proper spacing and relationships of buildings to the street and abutting development; adequate off-street parking; and other amenities of proper land use.

**PLAN REQUIREMENTS.** A development plan shall include the following at the time of submittal:

- a. **TECHNICAL INFORMATION.** An accurate map drawn at a scale of not less than 40 feet to the inch showing the boundaries and dimensions of the site; a north arrow; names and dimensions of all streets, alleys and easements bounding or touching the site; location, dimensions, direction and bearing of any major physiographic features such as railroads, drainageways; and existing topographic contours at intervals of not more than five feet. \*
- b. **DEVELOPMENT INFORMATION.** On the map shall be shown proposed finished grading of the site; proposed public dedications, if any, within the site; the proposed location, finished grade, vertical dimensions and use of all buildings and structures, to be located on the site; and the location and use of buildings on abutting property within 100 feet of the site.
- c. **PROVISIONS OF SERVICES.** On the map shall be shown the location, quantity and a typical stall dimension of off-street parking and loading facilities; points of ingress to the egress from the site, including width of curb cuts; internal circulation; refuse collection areas and fire lanes, if any; and off-site improvements, if any.

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\*Drainage and topographic information are not required when existing structures are to house the proposed use.

- d. **PROVISION OF AMENITIES.** On the map shall be shown proposed location of open space and recreational facilities on the site; location of landscaping used for screening or ornamental purposes; location and height of screen walls; and location and specifications for any other proposed features of development contributing substantially to the enjoyment of the use of the site and to the compatibility of the proposed development with the surrounding area.
- e. **CALCULATIONS.** To the extent that they are applicable to the proposed development, calculations shall be tabulated on the map for parking ratio; number of dwelling units; area of usable open space pursuant to the definition of Section 12.327 (3); building floor area by category of use; and percentage and area of coverage of the site.

**TITLE EVIDENCE REQUIRED FOR FINAL APPROVAL**

Up-to-date preliminary title reports shall be furnished for all parcels involved in the rezoning request.

**ADMINISTRATION FEES.**

A. Lot Development Option Application

- 1. Residential Development
  - a. Single Yard Variance
    - (i) Per single-family lot, attached or detached unit \$50.00
    - (ii) Per multi-family unit that a variance is requested \$30.00
  - b. Multiple Yard Variances
    - (i) Per single-family lot, attached or detached unit \$70.00
    - (ii) Per multi-family unit that a variance is requested \$30.00
- 2. Non-residential Development
  - a. Single Yard Variance
    - (i) Per single non-residential unit on one lot \$50.00
    - (ii) Per unit on a multi-unit structure that a variance is requested \$30.00
  - b. Multiple Yard Variance
    - (i) Per single non-residential unit on lot \$70.00
    - (ii) Per unit on a multi-unit structure that a variance is requested \$30.00

**MAYOR AND COUNCIL FEES**

The Planning and Zoning Administrator shall collect the following fees for applications coming before the Zoning Commission and Mayor and Council.

- A. Amendment to Language of Ordinance ..... \$250.00
- B. Amendment to Official Zoning Map

1. Application for Staff Review. Rezoning to:

a. SR-1, SMH

- |      |                   |                             |
|------|-------------------|-----------------------------|
| (i)  | 0-30 acres        | \$200 plus \$70.00 per acre |
| (ii) | 31 acres and over | \$2,370.00                  |

b. SR-2, SR-3

- |       |                                      |  |
|-------|--------------------------------------|--|
| (i)   | Single-story construction 0-30 acres | \$600 plus \$100.00 per acre                                 |
| (ii)  | Multi-story construction 0-30 acres  | \$600 plus \$100.00 per acre or story, whichever is greater. |
| (iii) | 31 acres and over                    | \$3,200.00   |

c. SB-1, SB-2A, SB-2, Sb-3, SP-I, SI-1

- |       |                                      |                              |
|-------|--------------------------------------|------------------------------|
| (i)   | Single-story construction 0-30 acres | \$700 plus \$150.00 per acre |
| (ii)  | Multi-story construction 0-30 acres  | \$700 plus \$150.00 per acre |
| (iii) | 31 acres and over                    | \$5,200.00                   |

2. Application for Public Hearing:

- |    |  |          |
|----|--|----------|
| a. | Legal Advertisement  | \$75.00  |
| b. | Notification to property owners within 300 feet of request | \$100.00 |

3. If the application requests a change to a residential zone and is authorized for ordinance subject to a subdivision plat in lieu of a development plan, up to \$300 of the rezoning application fee shall be allocated toward the subdivision fees. An amount so allocated shall not exceed the required subdivision fees.

4. Application for Time Extension. Application for a time extension shall be filed with the Planning and Zoning Administrator and shall be accompanied by a fee of \$100 and the cost of a current aerial photo.

5. Application for a change in an approved development plan requires the payment of additional fees to cover the review and processing as follows:

- a. If the requested change is substantial and requires approval by the Mayor and Council, then the additional fee shall be calculated in the same manner provided in subsection (b) of this Section for applications for amendments to the official zoning map.
- b. If the requested change is not substantial but requires full or partial Board of Adjustment

review, then a fee of \$250 will be required.

6. No fee, or any part there of, shall be refundable. Requests for rehearing or continued hearing by the applicant which necessitate re-advertisement shall require payment of an additional public hearing fee of \$175.00.
7. Fees shall be waived for the City of South Tucson, or any government, agency, department or bureau of the State of Arizona, or the United States.
8. All fees shall be payable to the City of South Tucson.

**REQUEST FOR REZONING**  
**APPLICATION FOR PUBLIC HEARING**

City of South Tucson  
Planning and Zoning Department

A. Case Number \_\_\_\_\_ Name: \_\_\_\_\_

Rezone From \_\_\_\_\_ To: \_\_\_\_\_

B. Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

C. Person To Be Contacted Concerning Application, If Different Than Applicant:

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

D. Public Hearing Fees Are \$175.00. Please Attach Check Here for This Amount, Payable to The City of South Tucson.

ATTACH CHECK HERE

E. Applicant's Signature: \_\_\_\_\_ Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Owner(s) Signature(s): \_\_\_\_\_ Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

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Received by: \_\_\_\_\_ Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Dear Applicant:

The City of South Tucson is asking all applicants for rezoning to complete and sign the attached waiver form. The following is an explanation of the purpose of and effect of the waiver.

### **Background**

Proposition 207 was adopted by Arizona voters in November 2006. The Proposition covers two aspects of land use law. The first was eminent domain or the taking of land for public purpose. The Proposition defines eminent domain more narrowly than the way it is typically defined nationally, but the definition is close to that in the Arizona State Constitution.

The second aspect covering land use law is the payment to a property owner for any diminution in fair market value resulting from any change in land use law or the application of the law.

### **Effect of Proposition 207**

Proposition 207 provides that property owners who experience a diminution in value due to a new land use law or the new application of a land use law can file a claim against a local governmental entity. There are certain circumstances where the Proposition does not apply.

- Property owners have three years from the time the law becomes applicable to file a claim.
- Property owners must show that the diminution in value is a direct result of the land use regulation.
- When property ownership changes, the new owner is subject to all the new regulations, unless a regulation has been waived by the local government.
- Certain types of regulation are exempt from Proposition 207. These include laws enacted to comply with a state or federal law; regulations directly aimed at protecting the public health, safety, and welfare (health and building regulations, traffic control, and pollution control); properties considered a public nuisance under common law.
- In cases where the property owner's land is not directly regulated by the regulation or law.

Rezoning requested by property owners will fall under Proposition 207. Potentially, a property owner who obtains a rezoning approval from the City Council can file a Proposition claim against the City should the value of the property subsequently decrease. To be successful, the property owner must prove that the decrease in value is directly the result of the rezoning or the conditions of the rezoning.

The City of South Tucson believes that persons who request rezoning should bear the responsibility, good and bad, of their decisions. To this end, Proposition 207 allows local governments to request that individuals (persons, corporations, etc.) requesting a rezoning to be asked to complete and sign a waiver of their right to file a Proposition 207 claim. This waiver only applies to the property owner, not a renter, leaseholder, or a neighboring property owner. A form is attached for the applicant to complete.

The City of South Tucson asks that everyone requesting a rezoning complete and sign the attached waiver form. Completion of this form waives your right to file a claim as result of any diminution of property value resulting from the action requested by you via an application form for a rezoning.

If you choose not to complete the form, the City of South Tucson will still process your application however, the Planning and Zoning and Commission and/or City Council may take into consideration the lack of a signed Proposition 207 waiver form when deciding on your application.

If you should have further questions, please feel free to contact the Planning and Zoning Department at (520) 792-2424.

